<center>**REMARKS**</center>

1.   Summary of Office Action

In the Office Action mailed January 19, 2007, the Examiner rejected claims 1-4, 9-12, 14-17, and 19-23 under 35 U.S.C. § 103(a) as being obvious over a combination of U.S. Patent No. 6,963,926 (Robinson), U.S. Patent No. 7,002,906 (Basso), and U.S. Patent No. 6,487,677 (Jantz).

2.   Status of the Claims

By this response, Applicant has amended claims 1 and 16.   Now pending in this application are claims 1-12, 14-17, and 19-24 of which claims 1 and 16 are independent and the remaining are dependent.

3.   Summary of the Claimed Invention

On page 4, lines 7-9, Applicant's specification explains that it would be "desirable to provide a method of selecting reliable resources and channels for use in order to provide stable service to customers."

In this regard, Applicant's invention is generally directed to a method of evaluating and selecting reliable channel resource devices, in which the channel resource devices operate to establish call connections in a communication platform. To illustrate, Figure 2 shows a system that includes a bank of modems 32, a bank of processor 42, and a bank of application cards 50, all of which are connected to a channel evaluator 12. The channel evaluator 12 "evaluates how a specific channel resource (such as a specific modem, processor, application card) is performing." *Id.* at page 9, lines 13-14.   Based on the evaluation of the channel evaluator, "the channel resource may or may not be used." *Id.* at page 9, lines 14-15.   As an example, Applicant's specification explains that "if a specific channel resource, such as a certain modem, may be

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subject to failures, the channel resource may be deemed 'bad' and therefore not used except in exceptional circumstances." *Id.* at page 9, lines 15-18.

It should be understood that the preceding brief summary is intended to call attention to only certain aspects of Applicant's invention that are relevant to the following discussion. Consequently, the summary should not be viewed as encompassing all aspects previously disclosed and/or claimed, nor limiting the scope of Applicant's presently claimed invention in any manner.

4. Cited Art

a. Robinson

Robinson is generally directed to a method of using a routing table to route messages from one node to another. *See* Robinson at column 5, line 66 to column 6, lines 5 and Figures 3-6. In particular, Robinson teaches that the routing table stores "a primary pre-planned route and at least a second planned route, to each of the other nodes." *Id.* According to Robinson, the "primary, i.e. highest ranking, route is to be tried first for calls for which the node is the actual source or the virtual source, and, when the primary route is not available, e.g. because of a link failure or a node failure, the next highest ranking route is tried, and so on, depending on the number of alternative routes in the set." *Id.* at column 6, lines 5-10. In this regard, Robinson is directed to a method of forwarding messages from one node in a network to another based on planned routes in a routing table.

b. Basso

Basso's Figure 1 illustrates a scenario in which a link between node 26 and node 28 is blocked (illustrated as a cross between nodes 26 and 28). When a route is blocked, such as the route illustrated in Basso's Figure 1 between nodes 26 and 28, crankback information is

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generated and then sent to entry node 22. Node 22 then attempts to send the message via an alternate route, such as via nodes 30 and 32. In this regard, Basso is directed to a method of routing messages via nodes in a network.

c. Jantz

Jantz is directed to a method of resolving error conditions in a managed device. For instance, as shown in Figure 2, Jantz is concerned with providing diagnostic recovery procedures to a client device until an error is resolved in the client device. In particular, Jantz teaches a method of "using probabilistic methods for selecting among a plurality of diagnostic procedures to recover from an error condition in a managed device." *See* Jantz at abstract. In this regard, Jantz is directed to a method of resolving errors in a managed device by providing diagnostic recovery procedures.

5. Response to Claims Rejections

As noted above, the Examiner rejected independent claims 1 and 16 under 35 U.S.C. § 103(a) as being obvious over a combination of Robinson, Basso, and Jantz.

Under M.P.E.P. § 2143, in order to establish a *prima facie* case of obviousness of a claim over a combination of references, the Examiner must establish that the combination discloses or suggests every element recited in the claim. The cited art fails to disclose various claim elements as set forth below.

(a) The Combination Does Not Disclose Channel Resource Devices Operating to Establish Call Connections in a Communication Platform Between at Least One Ingress Port and at Least One Egress Port

Neither Robinson, Basso, nor Jantz, alone or in combination, show all of the elements of independent claims 1 and 16. Specifically, none of the references teach "providing a communication platform comprising at least one ingress port, at least one egress port, and a

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plurality of channel resource devices, in which said channel resource devices operate to establish call connections in the communication platform between the at least one ingress port and at least one egress port", as recited in claim 1 (and similarly in claim 16).

In the Office Action of January 19, 2007, the Examiner cited to column 2 lines 43-57 and asserted that "Robinson teaches providing a communication platform comprising a plurality of channel resource devices/nodes, in which said channel resource devices operate to establish call connections", thereby equating Robinson's nodes to Applicant's claimed channel resource device. *See* Office Action at page 2. Applicant's claims 1 and 16 (as amended), however, do not simply recite channel resource devices. Rather, each of Applicant's claims 1 and 16 specifically recites channel resource devices *operating to establish call connections in a communication platform between at least one ingress port and at least egress port*.

In this regard, Robinson does not teach channel resource devices operating to establish call connections in a communication platform between at least one ingress port and at least one egress port. Rather, Robinson is directed to a network of linked nodes. For instance, to illustrate, Robinson's Figure 1 shows several nodes that are linked together in a network 10. Applicant, however, finds no discussion that the linked nodes in Robinson operate to establish call connections in a *communication platform* between at *least on ingress port and at least one egress port*.

For at least this reason, Robinson fails to teach Applicant's claimed channel resource devices. Therefore, the issue now at hand is whether the combination of Basso and Jantz makes up for this deficiency in Robinson. Applicant has reviewed Basso and Jantz and submits that these references clearly do not make up for Robinsons' deficiency.

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As noted in the summary section above, Basso teaches a method of routing messages from a source data transmission equipment (DTE) 18 to a destination DTE 20. *See* Basso at Figure 1. In particular, as shown in Figure 1, messages are routed via various nodes. For instance, a message may first be routed via nodes 24 and 26. However, if an error occurs over a link between nodes 26 and 28 (illustrated by a cross over the link between nodes 26 and 28 in Figure 1), crankback information is generated and sent to node 22. Node 22 then re-routes the message to other nodes in the network. In this regard, Basso is directed to routing messages via nodes in a network.

Applicant's claims 1 and 16, however, do not recite nodes in a network. Rather, Applicant's claims 1 and 16 explicitly recite channel resource devices that operate to establish call connections in a communication platform between at least one ingress port and at least egress port. Applicant finds no discussion in Basso that the messages are routed using channel resource device that operate in a communication platform between at least one ingress port and at least egress port.

For at least this reason, Basso fails to make up for the deficiencies in Robinson. Thus, the issue that remains now is whether Jantz makes up for the deficiencies in Robinson and Basso.

Jantz is directed to a method of resolving error conditions in a managed device. In particular, as noted above in the summary section, Jantz teaches a method of using "probabilistic methods for selecting among a plurality of diagnostic procedures to recover from an error condition in a managed device." *See* Jantz at abstract. Applicant, however, finds no discussion in Jantz that a managed device is a "channel resource device that operates to establish call connections in a communication platform between at least one ingress port and at least egress port."

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Thus, for at least these reasons, the combination of Robinson, Basso, and Jantz fails to teach channel resource devices that operate to establish call connections in a communication platform between at least one ingress port and at least one egress port.

(b) **The Combination Does Not Disclose Generating a Statistical Analysis Based at Least in Part, on the Connection Outcome Results, Wherein The Generated Statistical Analysis Provides an Indication of Reliability of The Channel Resource Devices Located in the Communication Platform.**

In addition, the references do not disclose a method of "generating a statistical analysis based at least in part, on the connection outcome results wherein the generated statistical analysis provides an indication of reliability of the channel resource devices located in the communication platform," as recited in claim 1 (and similarly in claim 16).

On pages 3-4 of the Office Action, the Examiner conceded that the combination of Robinson and Basso "does not explicitly teach generating a statistical analysis based at least in part, on the connection outcome results." Thus, the issue now is whether Jantz makes up for the deficiencies in the combination of Robinson and Basso. Applicant, however, has reviewed Jantz and submits that Jantz does not make up for the deficiencies of Robinson and Basso, as set forth below.

(i) **No Motivation to Combine Jantz with Robinson and Basso**

On page 4 of Office Action, the Examiner stated that "it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by updating link blocking probabilities based on historical information/crankback, as suggested by Jantz."

As an initial matter, the Examiner has improperly intertwined teachings of the cited art. For instance, to illustrate, the Examiner used the phrase "historical information/crankback" to imply that "historical information" and "crankback" are interchangeable concepts. Applicant,

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however, finds no discussion of "crankback" in Jantz's column 9, lines 61-64 (and the Jantz reference as a whole). Because there is no discussion of "crankback" in Jantz, Applicant is unsure as to how Jantz's historical information could relate to crankback.

To put these two concepts into context of the cited art, the concept of crankback is discussed in Robinson and Basso, while the concept of using historical information is discussed in Jantz. Crankback, as discussed in Robinson and Basso, relates to routing a message back to a network node, which previously handled the message (so that the message can be routed to an alternative node.) Jantz's teaches a method of using historical information to update probabilities associated with diagnostic recovery procedures.

It appears that the Examiner has proposed that it would have been obvious to combine Jantz's concept of using historical information to update probabilities associated with recovery procedures with updating link blocking probabilities in Robinson and Basso when crank back messages are received. The Examiner reasoned that such a modification "would benefit the system by ensuring that the link blocking probabilities *reflect the current network environment*." *See* Office Action at page 4. (Emphasis added.)

As an initial matter, Robinson and Basso, do not teach a method of updating link blocking probabilities when crankback messages are received. And in fact, Applicant finds no discussion in Robinson and Basso as to how and when the link blocking probabilities are updated at all. For this reason, there is no basis for concluding that Robinson and Basso could be modified to update link blocking probabilities (stored in Robinson's routing table) to reflect the current network environment.

Further, Jantz's method of using historical information to update the probabilities associated with diagnostic recovery procedures is used in the context of resolving an error

condition in a managed device. In particular, according to Jantz, historical information is used to update probabilities associated with diagnostic recovery procedures. There is no discussion that historical information is used to update link blocking probabilities of any sort. Therefore, combining Jantz with Robinson and Basso would modify Jantz's method of using historical information, which is specifically used for updating probabilities associated with *diagnostic recovery procedures.* The Examiner has not cited to any portion that suggest that Jantz's historical information could be applied to updated link blocking probabilities.

Further, combining Jantz's method of using historical information to update the probabilities associated with diagnostic recovery procedures with Robinson's and Basso's method of routing messages in a network still does not explain how and when Robinson and Basso update their link blocking probabilities.

(ii) Even If Combined, Jantz Does Not Teach Applicant's Claimed Limitation

Even if the combination of references as set forth by the Examiner is appropriate (which Applicant does not concede), Jantz does not teach a method of generating a statistical analysis that provides an indication of reliability of the channel resource devices located in the communication platform.

Rather, Jantz teaches a method of computing a probability for a recovery procedure. *See* Jantz at column 9, lines 40-43. The computed probability indicates the likelihood of a certain recovery procedure in resolving an error condition for a managed device. Applicant, however, finds no discussion in Jantz that the statistical analysis is generated to indicate the *reliability of channel resource devices*.

For this reason, Jantz does not teach a method of "generating a statistical analysis based at least in part, on the connection outcome results wherein the generated statistical analysis

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provides an indication of reliability of the channel resource devices located on the communication platform," as recited in claim 1 (and similarly in claim 16). Thus, Jantz does not make up for the deficiencies in Robinson and Jantz.

Because the combination of Robinson, Basso, and Jantz fails to disclose or suggest all of the elements of each of independent claims 1 and 16, a *prima facie* case of obviousness of each of independent claims 1 and 16 has not been made. Therefore, each of independent claims 1 and 16 is allowable. Each of dependent claims 2-12, 14, 15, 17, and 19-24 depends from, and thus incorporates all of the limitations of, an allowable independent claim. Thus, for at least the same reason, these dependent claims are also allowable.

6.   Conclusion

In view of the foregoing, Applicant submits that claims 1-12, 14-17, and 19-24 are allowable, and thus Applicant respectfully requests favorable reconsideration and allowance of these claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913–3351.

7.   Payment of Fees

Applicant believes that no fee is required at this time. However, please charge any underpayment or credit any overpayment to Deposit Account No. 13-2490.

Respectfully submitted,

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